



ORDER

Accordingly, plaintiff's request to dismiss the case is **GRANTED**. The report of the magistrate judge is partially **ADOPTED** to the extent it recommends dismissing the action. A final judgment will be entered dismissing the action without prejudice in accordance with this Memorandum Order.

So **ORDERED** and **SIGNED** this **30** day of **September, 2009**.



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Ron Clark, United States District Judge